

In the Matter of)	
)	
Section 68.4(a) of the Commission's Rules)	
Governing Hearing Aid Compatible Telephones)	
)	WT Docket No. 01-309
)	RM 8658
)	
)	

COMMENTS OF

U.S. Access Board
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The U.S. Access Board files these comments on December 21, 2001, in the FCC's Notice of Proposed Rulemaking for Rules Governing Hearing Aid Compatible Telephones, WT Docket No. 01-309, RM 8658.

I. The 508 Standards Developed by the Access Board Should Take Precedence Over the FCC's Ruling on the HAC Act Exemption

On November 14, 2001, the Federal Communications Commission (FCC) released a Notice of Proposed Rulemaking (NPRM) to assess whether a continued exemption for the manufacture of hearing aid compatible (HAC) public mobile service phones is still warranted under the Hearing Aid Compatibility Act of 1988 (the HAC Act).

The Access Board suggests that the FCC consider Section 508 of the Rehabilitation Act of 1973 as amended in the Workforce Investment Act of 1998. Under authority of that law, the Access Board developed standards for electronic and information technology (E&IT). Of relevance, § 1194.23 (h) specifically states:

“Where a telecommunications product delivers output by an audio transducer which is normally held up to the ear, a means for effective magnetic wireless coupling to hearing technologies shall be provided.”

This provision clearly pertains to the issue of HAC. Section 508 requires Federal agencies to comply with that provision, when applicable, while procuring, developing, using or maintaining E&IT. The Access Board requests that the FCC clearly explain that its ruling on the HAC Act exemption will NOT take precedence over the section 508 standards.

In addition, the section 508 standards were developed by the Access Board after an extensive open and inclusive rulemaking process that involved meetings of key stakeholders

from consumer, industry, and government sectors. The Board formed an advisory committee and the committee created a report which served as a primary basis for the standards. The FCC should note that the public had ample time to submit comments (approximately 105 were received) to the Board during the public comment period on its proposed section 508 standards, and none of the commenters were critical of the Board's HAC provision, even though an industry consensus technical standard for HAC was not developed.

2. The FCC Needs to Define HAC in Light of Current Technology

In our section 508 standards, the Access Board addressed the issue of interference to hearing technologies separately from the issue of magnetic coupling. Specifically, § 1194.23 (j) states:

“Interference to hearing technologies (including hearing aids, cochlear implants, and assistive listening devices) shall be reduced to the lowest possible level that allows a user of hearing technologies to utilize the telecommunications product.”

Although the FCC notes in its NPRM Introduction as well as other NPRM sections that both “compatibility” and “interference” problems affect the effectiveness of public service mobile phones to hearing aid users, we suggest that you consider addressing these issues separately. Traditionally, HAC has referred only to effective magnetic coupling, not to minimizing interference. As explained in the NPRM, this is due to the fact that interference to hearing technologies was not known to be an issue when the HAC Act was passed in 1988. If the FCC wishes to capture both of these issues in its requirements for HAC, then we suggest that you clearly redefine what is meant by HAC and what your ruling requires in light of both magnetic coupling with and minimizing interference to hearing instruments.

The Board is committed to working cooperatively with the FCC in its rulemaking and stands ready to assist.

Submitted by:

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